



HERBERT
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The Honorable Sarah L. Cave
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Room 1670
New York, New York 10007

Jefferies Entities' letter-motion seeking to file the declaration of Scott S. Balber in support of their motion to sever claims, and its corresponding exhibits, under seal (ECF No. 436) is GRANTED, and the documents at ECF Nos. 437 and 437-1 – 437-27 shall remain visible only to the selected parties.

The Clerk of Court is respectfully directed to close ECF No. 436.

SO ORDERED 12/12/22


SARAH L. CAVE
United States Magistrate Judge

Date
April 06 2022

VIA ECF

RE: Monterey Bay Mil. Housing LLC v. Ambac Assurance Corp.
Case No. 1:19 Civ. 09193 (PGG) (SLC)

Dear Judge Cave:

Pursuant to Federal Rule of Civil Procedure 5.2(d), Rule 1(G)(2) of Your Honor's Individual Practices, this Court's Standing Order No. 19-mc-583, and Section 6 of this Court's ECF Rules & Instructions (February 1, 2021 edition) (the "ECF Rules"), we submit this letter motion for approval of a sealed filing in connection with defendants Jefferies Mortgage Finance, Inc., Jefferies & Company, Inc., Jefferies LLC, and Jefferies Group LLC (collectively, the "Jefferies Entities") Motion to Sever Claims (the "Motion to Sever") which is being filed contemporaneously with this letter motion.

In support of the Motion to Sever, the Jefferies Entities are submitting a Declaration of Scott S. Balber (the "Balber Declaration") for the purpose of putting documents and information relevant to the Motion to Sever before the Court. Certain of the documents attached to the Balber Declaration have been designated as "CONFIDENTIAL" or "CONFIDENTIAL – ATTORNEY'S EYES ONLY" pursuant to Stipulated Protective Order for Standard Litigation (ECF No. 135, the "Protective Order").

Under paragraph 12.4 of the Protective Order, "[w]ithout written permission from the Designating Party or a court order secured after appropriate notice to all interested persons, a Party may not file in the public record . . . any Protected Material." The Jefferies Entities are filing the designated exhibits to the Balber Declaration provisionally under seal out of an abundance of caution. The viewing level to be provisionally applied to the provisionally sealed exhibits to the Balber Declaration is "Selected Parties." (ECF Rules 6.9).

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The Jefferies Entities will meet and confer with the designating parties over the next several days in an effort to obtain the required written permission and obviate any need for the Court to address this issue.

Respectfully submitted,

/s/ Scott S. Balber

Scott S. Balber

cc: All Counsel of Record (by ECF)